

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: January, 2011

Agenda Item: Modification of muzzleloader/shotgun ammunition regulations for Weapons Restriction Areas

Division: Enforcement

Action Needed:

 X **Approval of Proposed (Tentative) Rule**

 Approval of Final Rule/Action

 Endorse Course of Action

 None - information only

Time Needed on Agenda for this Presentation: 10 minutes

◆ ----- ◆

Background (Brief description of the issue, decision to be made, history, etc.): Weapons Restriction Areas (WRA) were established to allow for the harvest of animals in areas where residences and development preclude the use of high-powered (center fire) firearms. Weapons are currently limited to shotgun, muzzleloader, traditional handgun and archery as harvest means. However, the technology that has developed in the area of ammunition for both shotguns and muzzleloaders has increased both the range and velocity of these firearms. These increases can bring muzzleloaders and shotguns to near high power rifle capabilities, extending the range out beyond 100 yards. The use of this ammunition effectively defeats the purpose of limitations on weapons in these areas and creates potential public safety issues. The enhanced ammunition is readily available at sporting goods stores throughout the state and many hunters have inquired about the legality of their use. Because of the growing number of WRA's and often, their relative size (such as the Gallatin and Helena Valleys) this is becoming an issue that requires attention. To adopt new rules would make the regulations current with the technology that is available (they have not been modified since the early 1990's) and provide clear direction for hunters hunting in WRA's.

Public Involvement Process & Results (Brief description of the type of public involvement and summary of what we heard from the public): A group consisting of wardens, a legislator (who had concerns about regulation ambiguity) and a professional gunsmith (with extensive experience in muzzle-loading firearms and ammunition characteristics) met to discuss the various new types of ammunition available for shotguns and muzzleloaders and develop appropriate, clear language that could be adopted so as to maintain the safety margin of hunting in WRA's. This group developed the attached wording for the Big Game Regulations and passes it to the Commission for consideration, public review and adoption.

Alternatives and Analysis (Brief description of alternative solutions with analysis of the pros and cons of each):

- Leave regulations as is. This would allow for the enhanced ammunition and pose potential public safety risks at WRA's. It would not recognize the change in technology that has occurred with muzzle-loading firearms and shotguns used for big game hunting. Wardens would be confronted with ambiguity on what to tell the public in terms of allowable ammunition.
- Adopt new rules that would allow for big game hunting in developed areas but at the same time, minimize the possibility of properly handled firearms presenting risks to the public and property in the area.

Agency Recommendation & Rationale (Brief description of our recommendation to the Commission and the reasons for it): The agency believes that the modifications as listed below would serve to maintain the use of shotguns and muzzle-loading firearms on WRA's while at the same fulfill the intent of the restrictions on the type of weapon that could be used to hunt in WRA. We anticipate that with increasing development and growth, particularly around larger towns and cities in Montana, WRA's are likely to be established more and more. To keep the regulations current with the technology would be an important for WRA's.

Proposed Motion (Draft language the Commission could use to adopt the agency recommendation): Wording in the Annual Deer, Elk & Antelope regulations regarding weapons allowed in a Weapons Restriction Area change to read as follows(changes appear in ***bold italics***):

Weapons Restriction Areas

Weapons Restriction Areas are established to manage wildlife populations and provide hunting opportunities in proximity to populated areas where the use of high-powered firearms presents safety issues. Because safety is of utmost concern, firearms allowed for use in these areas are of relatively short range and less power –muzzleloaders, handguns and shotguns.

Restrictions are stated in the license/ permit description and/or with a specific date range.

The following regulations and restrictions apply only to designated Weapon Restriction Areas.

- **Muzzleloader**

- Must not be capable of being loaded from the breech of the barrel;
- May not be loaded with any pre-prepared paper or metallic cartridges;
- Must be charged with black powder, pyrodex, or an equivalent;
- Must be ignited by a percussion, flintlock, matchlock, or Wheelock mechanism;
- Must be a minimum of .45 caliber;
- May have no more than two barrels; and
- Must only use plain lead projectiles. ***Sabots or other similar power and range -enhancing manufactured loads that enclose the projectile from the rifling or bore of the firearm are prohibited. "Skirts" or gas checks on the base of a projectile are acceptable.***

- **Traditional Handguns:**

- Is not capable of being shoulder mounted;
- Has a barrel length of less than 10 ½ inches;
- Chambers only a straight wall cartridge, not originally developed for rifles.

- **Shotgun:**

- A shouldered, breech-loaded or muzzle-loaded firearm with a smooth bore and/or rifled barrel and/or rifled choke device designed to fire shot or slugs.
- Must only use plain lead projectiles- slugs or buckshot. ***Sabots or other similar manufactured power and range -enhancing loads that enclose the projectile from the rifling or bore of the firearm are prohibited.***